

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/29/2022
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	:	19-CV-1578 (VEC)
IN RE: NAVIDEA BIOPHARMACEUTICALS	:	
LITIGATION	:	<u>ORDER</u>
-----X	:	

VALERIE CAPRONI, United States District Judge:

WHEREAS the Defendant/Counterclaim Plaintiff (Dr. Goldberg) intends to offer expert testimony on the issue of damages if he proves Counts I and II (breach of the August 14 Agreement) against Navidea and Third-Party Defendant Macrophage Therapeutics, Inc. (collectively, the “Counterclaim Defendants”), *see* Dkts. 31, 61

WHEREAS the parties’ respective *Daubert* motions are currently pending before this Court, *see* Dkts. 252, 255;


WHEREAS the parties’ theories of the proper measure of damages if Dr. Goldberg prevails on his claim that the Counterclaim Defendants breached the August 14 Agreement are unclear;

IT IS HEREBY ORDERED that by no later than **Thursday, September 8, 2022**, Dr. Goldberg must file supplemental briefing of **no more than ten pages** on the proper measure of damages if he proves that the Counterclaim Defendants breached the August 14 Agreement; Counterclaim Defendants must respond in supplemental briefing of **no more than 10 pages** no later than **Thursday September 15, 2022**.

IT IS FURTHER ORDERED that the parties’ respective *Daubert* motions at docket entries 252 and 255 are STAYED pending further order of the Court.

**SO ORDERED.**

**Date: August 29, 2022**  
**New York, New York**

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**VALERIE CAPRONI**  
**United States District Judge**